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2-7-02  
P.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chiocca and Chung

Appl. No. 09/653,277

Filed: August 31, 2000

For: **Cell-Specific and/or Tumor-Specific Promoter Retargeting of Herpes Gamma 34.5 Gene Expression**

Confirmation No. 4747

Art Unit: 1632

Examiner: J. Woitach

Atty. Docket: 0609.4880002/JAG/KRM

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**Petition to Reset a Period for Reply Due to Late Receipt  
of an Office Action**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to M.P.E.P. § 710.06, Applicants petition to restart the previously set period for reply to the Office Action for the above-captioned application.

Although Form PTO-90C indicates that the Office Action for the above-captioned application was mailed December 5, 2001 to the correspondence address (Sterne, Kessler, Goldstein & Fox, 1100 New York Avenue NW Suite 600, Washington, DC 20005-2934), the Office Action was not actually received at the correspondence address until January 25, 2002. The late receipt of the Office Action is believed to be due to delays by the U.S. Postal Service.

As a matter of procedure, the docketing department at Sterne, Kessler, Goldstein & Fox stamps incoming U.S. PTO Communications with a "RECEIVED" date stamp on the date of receipt. Applicants submit with this petition a copy of the Office Action with Sterne, Kessler, Goldstein & Fox's "Received" Date Stamp showing that the Office Action was actually received January 25, 2002.

Accordingly, Applicants petition to restart the period for reply to the outstanding Office Action from January 25, 2002, the date of receipt of the Office Action at the correspondence address.

Applicants believe to have met the criteria for grant of this petition pursuant to M.P.E.P. § 710.06:

(A) The petition is being filed within two weeks of the date of receipt of the Office Action at the correspondence address;



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| No. | Doccode | Number of pages |
|-----|---------|-----------------|
| 1   | PETDEC  | 1               |
| 2   | CRFL    | 1               |

Total number of pages: 2

Remarks:

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